IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

CRIMINAL APPLICATION NO. 2905 OF 2006.

1. Mrs. Cicellia Anthony Paul
2. Mr. Anthony Rock Paul ... Applicants.

V/s

State of Maharashtra .. Respondent.

Mr. M.S. Mohite for the applicants.
Mr. P.a. Pol, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 21ST AUGUST, 2006.

P.C.

. Heard Mr.Mohite appearing for the applicants and Mr. Pol, A.P.P. appearing for the State.

2. Leave to amend.

3. On perusal of the application and annexures thereto there is no dispute about the fact that there is a Civil Suit filed by the applicant No.2 bearing Special Civil Suit No. 220/1995. The grievance is that the original complainant had after receipt of the entire consideration and execution of power of attorney sought to defeat the rights of the applicants in a immoveable property. There is a criminal complaint which was filed

but withdrawn as well. The applicants have created third party rights. There are cross complaints filed. This is a case where the disputes in which the parties are involved are essentially of civil nature.

4. In such circumstances, I do not see any reason as to why the applicants be denied pre-arrest bail, more so when the entire incident is more than two years old.

5. Mr. Pol states that the original complainant has not bothered to pursue the matter in spite of several attempts to contact him. It is only on yesterday that the original complainant has attended but gave no further information.

6. In such circumstances and when the applicant No.1 is a lady, the request of pre-arrest bail in Cr.No. 32/2006 registered at Samarth Police Station, Pune for alleged offences under Sections 409, 420, 468 r/w 34 of Indian Penal Code deserves to be granted. Hence, the following order:-

i) In the event of the arrest of the applicants in connection with CR.No. 32/2006 registered with Samarth

Police Station, Pune, the applicants shall be enlarged on bail in the sum of Rs. 20,000/-each with one or two sueretie in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the Samarth Police Station, Pune twice in a week.

iii) Bail is granted subject to the conditions that the applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the Police Officer/investigating agency. The applicants shall not tamper with the prosecution evidence.

iii) Any observations made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will ensure to the benefit of the applicants only till charge-sheet is filed. Thereafter, they will be free to apply to the appropriate court for

appropriate relief.

Vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)